

STATE OF RHODE ISLAND AND
PROVIDENCE PLANTATIONS,
DEPARTMENT OF HEALTH,
BOARD OF MEDICAL LICENSURE
AND DISCIPLINE

No. C95-002

In the matter of:
Edward J. Buonopane, M.D.

CONSENT ORDER

Pursuant to Section 5-37-5.1 of the General Laws of the State of Rhode Island, 1956, as amended, a notification was filed with the Board of Medical Licensure and Discipline (hereinafter referred to as "Board") by the State of Florida which states that Edward J. Buonopane, M.D., Respondent, violated sections of the Florida Statutes and Rules and Regulations enacted pursuant thereto. An investigation was conducted by Investigating Committee II, so called, of the Board.

Investigating Committee II reported its evaluations and recommendations to the Board. The report was reviewed by the Board and it recommended further action.

The following constitutes the Investigating Committee's Findings of Facts with respect to the professional performance of the Respondent.

Findings of Fact

A. The State of Florida charged the Respondent with violations of the Statutes of Florida relating to the practice of medicine. The Respondent and the State of Florida entered into a Stipulated Agreement whereby:

1. FINE. The Board shall impose an administrative fine in the amount of two thousand five hundred dollars (\$2500.00) against the Respondent. The fine shall be paid by the Respondent to the Board of Medicine within one year of its imposition by Final Order of the Board.

2. CONTINUING EDUCATION. Within one (1) year of the filing of the Final Order incorporating the terms of this Agreement, Respondent shall attend ten (10) hours of Category I Continuing Medical Education in the area of risk management/record keeping. Respondent shall submit a written plan to the Chairman of the Probationer's Committee for approval prior to the completion of said continuing education hours. The Board confers authority on the Chairman of the Probationer's Committee to approve or disapprove said continuing education hours. In addition, Respondent shall submit documentation in the form of certified copies of the receipts, vouchers, certificates or other papers, such as physician's recognition awards, documenting completion of these medical education courses within one year of the entry of the Final Order in this matter. All such documentation shall be sent to the Board of Medicine, regardless of whether some or any of such documentation was previously provided during the course of any audit or discussion with counsel for the Department. These hours shall be in addition to those hours required for renewal of licensure. Unless otherwise approved by the Board, said continuing medical education courses shall consist of formal, live lecture format.

3. QUALITY ASSURANCE CONSULTATION. An independent, certified risk manager will review Respondent's practice prior to the Board's consideration of this Agreement. Specifically, this independent consultant shall review the procedures Respondent has instituted to insure that his patient records indicate he assessed the patient's condition, diagnosis, consultations and provided for a plan of treatment. This consultant will prepare a report addressing Respondent's practice and medical record keeping. This report will include suggested improvements

of the quality assurance of Respondent's practice. Respondent will submit to the Board this report and documentation that demonstrates his compliance with the suggestions enumerated in the consultant's report when the Board considers this Agreement.

4. The Board of Medical Licensure and Discipline alleges that the Respondent has violated Rhode Island General Laws 5-37-5.1 (21) for acts in the State of Florida which are grounds for discipline in Rhode Island.

The parties agree as follows:

(1) The Respondent is a physician who is licensed in the State of Rhode Island, allopathic license number 5100.

(2) Respondent admits to the jurisdiction of the Board and hereby agrees to remain under the jurisdiction of the Board.

(3) Respondent has read this Consent Order and understands that it is a proposal of Investigating Committee II of the Board and is subject to the final approval of the Board. This Consent Order is not binding on the Respondent until final ratification by the Board.

- (4) Respondent hereby acknowledges and waives:
- a. The right to appear personally or by counsel or both before the Board;
 - b. The right to produce witnesses and evidence in his behalf at a hearing;
 - c. The right to cross examine witnesses;
 - d. The right to have subpoenas issued by the Board;
 - e. The right to further procedural steps except for those specifically contained herein;

- f. Any and all rights of appeal of this Consent Order;
- g. Any objection to the fact that this Consent Order will be presented to the Board for consideration and review;
- h. Any objection to the fact that it will be necessary for the Board to become acquainted with all evidence pertaining to this matter in order to review adequately this Consent Order;
- i. Any objection to the fact that potential bias against the Respondent may occur as a result of the presentation of this Consent Order.

(5) If the Consent Order is not accepted by the Respondent, the Investigative Committee will recommend to the Board that an Administrative Hearing be scheduled with respect to any and all acts of alleged unprofessional conduct. If the Board approves, a Hearing Committee will be convened for the purpose of conducting the Administrative Hearing. The composition of the Hearing Committee is described by statute. If the Hearing Committee votes in favor of finding the Respondent guilty of unprofessional conduct as specified in the charges, the Board shall prepare written findings of fact and law in support of said conclusion. If the accused is found not guilty, the Board shall, forthwith, issue an order dismissing the charges.

(6) Acceptance of this Consent Order constitutes an admission by the Respondent of the facts set forth herein.

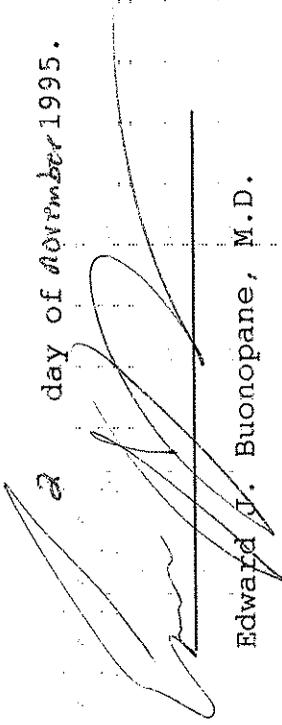
(7) This Consent Order shall become part of the public record of this proceeding once it is accepted by all parties and by the Board. It shall be published as the Board, in its exercise of its discretion, shall determine.

(8) Failure to comply with this Consent Order, when signed and accepted, shall subject the Respondent to further disciplinary action.

(9) Respondent voluntarily accepts the Board's finding of unprofessional conduct. Respondent must conform to the terms of the Stipulated Agreement entered into with the state of Florida.

Signed this

2 day of *November* 1995.



Edward J. Buonopane, M.D.

Ratified by the Board of Medical Licensure and Discipline at a meeting held on *8 November*, 1995.

Patricia A. Nolan, MD, MPH
Patricia A. Nolan, MD, MPH
Director of Health
Chairperson
Board of Medical Licensure and
Discipline